

1 MR. EDUARDO VALLEJO  
2 508 N. CALIFORNIA STREET  
3 BURBANK, CA. 91505  
4 Tel: 1.818.415.5633

5 UNITED STATES BANKRUPTCY COURT

6 SOUTHERN DISTRICT OF NEW YORK

7 Eduardo Vallejo, an individual, ) Case No.: 12-12020

)

8 Plaintiff, ) MOTION FOR RELIEF FROM STAY  
9 vs. ) DOCUMENT NO.: 8802, AND ORDER  
10 GMAC Mortgage, LLC., et al. ) FOR ORIGINAL DOCUMENTS DUE TO  
11 ) POSSIBLE FRAUDULENT ACTIVITY  
12 ) ON THE TITLE OF 508 NORTH  
13 ) CALIFORNIA STREET, BURBANK,  
14 ) CA 91505.

Defendants.

15 Now comes the Plaintiff, Eduardo Vallejo, in the above referenced  
16 case number, and case number 15G01826 pending before the Superior  
17 Court of California, Los Angeles County Superior Court, Alhambra  
18 Courthouse, and informs this Court of the following:

19 1. On July 21, 2015 the Plaintiff received a letter from  
20 this honourable Bankruptcy Court regarding relief from  
21 the automatic stay, but this will not be necessary at the  
22 moment since the above referenced Court in California has  
23 taken Jurisdiction over the company called Ditech  
24 Financial Llc. Which alleges to be the servicer of a  
25 Note signed originally with GMAC Mortgage LLC DBA Ditech  
26 Dot Com.

- 1           2. That since Kathy Priore, is in fact Associate Counsel of  
2           Rescap Liquidating Trust, successor to GMAC Mortgage,  
3           Llc., and has stated to the Court that the defendants  
4           filed voluntary petitions for relief under Chapter 11 of  
5           the Bankruptcy Court in the present Court on May 14, 2012,  
6           Plaintiff requests the Court Order the defendant GMAC  
7           Mortgage LLC DBA Ditech Dot Com to produce the original  
8           document or to explain what happened to the document.
- 9           10. 3. That on March 13, 2015, this Bankruptcy Court entered an  
11           Order Granting the Motion for Entry of an Order  
12           Establishing Procedures Enforcing Injunctive Provisions  
13           of Plan and Confirmation Order ( Docket No. 8303 ), and  
14           GMACM submitted a Notice of Bankruptcy Status to the  
15           Court in California pursuant to that order.
- 16           17. 4. We would like to confirm that the California Court has  
17           competent Jurisdiction over the Defendant Ditech  
18           Financial LLC, and is not interfering in any way, shape,  
19           or form in an action for breach of contract and  
20           declaratory relief, with an injunction requested with in  
21           that Court, and this Bankruptcy Court of New York, once  
22           the fraud is discovered. Nor is the Court in California  
23           intruding with the Jurisdiction of this Court.
- 24           25. 5. Since Plaintiff had never been contacted in writing by  
25           Defendants, it was impossible for Plaintiff to agree to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

dismiss the Defendants from this nor any other action. As a matter of fact, Plaintiff plans on filing documents in this Bankruptcy Court and others, alleging that the Contract signed on 11/10/2004 was indeed fraudulent, and therefore null and void *ab initio*, requesting its immediate rescission and to be expunged from title, once the matter is settled in the California Court.

6. Apparently Plaintiff has been paying the wrong parties since 2004, since the contract was not signed by both parties as can presently be found in the Bankruptcy.
7. Plaintiff would like an Order to be able to file this case as a ***lis pendens*** on the Title of the property.
8. A copy of this document has been faxed and mailed to the Defendants on the date signed below.

Based on the above the Plaintiff begs the court to agree to Stay this request for a motion for relief from the automatic stay in this case until **after the case in California is finalized**, and agree to Order the Defendants to produce the **original documents**, or to explain what happened to them to be used as evidence in the pending case in California.

DATED: November 27, 2015



EDUARDO VALLEJO